
By: **Senator McFadden**
Introduced and read first time: February 28, 2003
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene - Emergency Evaluations**

3 FOR the purpose of adding a certain requirement to be included in a petition for an
4 emergency evaluation; requiring a peace officer given a petition to explain the
5 penalties of perjury to the petitioner; requiring a peace officer to retain and
6 attach a copy of the petition for emergency evaluation to the report of the
7 incident; prohibiting a peace officer from enforcing the petition and requiring
8 the officer to forward the petition to the State's Attorney of the appropriate
9 county under certain circumstances; providing that this Act does not preclude
10 certain legal actions; and generally relating to petitions for emergency
11 evaluations.

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 10-622
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2002 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 10-622.

21 (a) A petition for emergency evaluation of an individual may be made under
22 this section only if the petitioner has reason to believe that the individual has a
23 mental disorder and that there is clear and imminent danger of the individual's doing
24 bodily harm to the individual or another.

25 (b) The petition for emergency evaluation of an individual may be made by:

26 (1) A physician, a psychologist, a clinical social worker, a licensed clinical
27 professional counselor, or a health officer or designee of a health officer who has
28 ACTUALLY examined the individual;

1 (2) A peace officer who personally has observed the individual; or

2 (3) Any other interested person.

3 (c) (1) A petition under this section shall:

4 (i) Be signed and verified by the petitioner, UNDER PENALTIES OF
5 PERJURY;

6 (ii) State the petitioner's:

7 1. Name;

8 2. Address; and

9 3. Home and work telephone numbers;

10 (iii) STATE THE NAME OF THE HEALTH OFFICER, IF THE
11 PETITIONER IS A DESIGNEE OF A HEALTH OFFICER;

12 (IV) State the emergency evaluatee's:

13 1. Name; and

14 2. Description;

15 [(iv)] (V) State the following information, if available:

16 1. The address of the emergency evaluatee; and

17 2. The name and address of the spouse or a child, parent, or
18 other relative of the emergency evaluatee or any other individual who is interested in
19 the emergency evaluatee;

20 [(v)] (VI) Contain a description of the behavior and statements of
21 the emergency evaluatee that led the petitioner to believe that the emergency evaluatee
22 has a mental disorder and that there is clear and imminent danger of the emergency
23 evaluatee's doing bodily harm to the emergency evaluatee or another; and

24 [(vi)] (VII) Contain any other facts that support the need for an
25 emergency evaluation.

26 (2) The petition form shall contain a notice that the petitioner:

27 (i) May be required to appear before a court; and

28 (ii) Makes the statements under penalties of perjury.

29 (d) (1) A petitioner who is a physician, psychologist, clinical social worker,
30 licensed clinical professional counselor, health officer, or designee of a health officer
31 shall give the petition to a peace officer.

1 (2) The peace officer shall explain to the petitioner:

2 (i) The serious nature of the petition; [and]

3 (ii) The meaning and content of the petition; AND

4 (III) THE PENALTIES FOR PERJURY UNDER § 9-101 OF THE
5 CRIMINAL LAW ARTICLE.

6 (3) THE PEACE OFFICER SHALL RETAIN AND ATTACH A COPY OF THE
7 PETITION ALONG WITH THE REPORT OF THE INCIDENT.

8 (4) IF THE PEACE OFFICER HAS SUBSTANTIAL REASON TO BELIEVE
9 THAT THE PETITION CONTAINS A PERJURED STATEMENT, THE PEACE OFFICER MAY
10 NOT ENFORCE THE PETITION AND SHALL FORWARD THE PETITION TO THE STATE'S
11 ATTORNEY FOR THE APPROPRIATE COUNTY.

12 (5) (I) NOTHING IN THIS SECTION MAY PRECLUDE PROSECUTION OF A
13 PETITIONER FOR FALSE IMPRISONMENT UPON A FINDING THAT A PETITION
14 CONTAINED A PERJURED STATEMENT AND THE PERSON EVALUATED WAS
15 DETAINED.

16 (II) NOTHING IN THIS SECTION MAY PRECLUDE A CIVIL REMEDY
17 FOR THE PERSON EVALUATED.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2003.